



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,740	06/29/2001	Matthew T. Doherty	P 0275039 P11034	3331

27496 7590 10/20/2005

PILLSBURY WINTHROP SHAW PITTMAN LLP
725 S. FIGUEROA STREET
SUITE 2800
LOS ANGELES, CA 90017

EXAMINER

SIDDIQI, MOHAMMAD A

ART UNIT PAPER NUMBER

2154

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No.	Applicant(s)	
	09/893,740	DOHERTY ET AL.	
	Examiner	Art Unit	
	Mohammad A. Siddiqi	2154	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Mohammad A. Siddiqi. (3) _____
- (2) Mark R. Kendrick. (4) _____

Date of Interview: 10/12/2005.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.
If Yes, brief description: _____.

Claim(s) discussed: Claim 41 and 29, Please see attached proposed interview fax.

Identification of prior art discussed: 6,345,294.

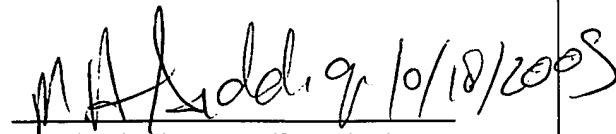
Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant will amend the claim and will pick the previously elected claims.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.



Examiner's signature, if required



725 South Figueroa Street
Suite 2800
Los Angeles, CA 90017-5408
Tel 213.488.7100 | Fax 213.629.1033
www.pillsburylaw.com

FACSIMILE

Total Pages (including cover): 2

CENTURY CITY
HOUSTON
LONDON
LOS ANGELES
NEW YORK
NORTHERN VIRGINIA
ORANGE COUNTY
SACRAMENTO
SAN DIEGO
SAN DIEGO-NORTH COUNTY
SAN FRANCISCO
SILICON VALLEY
STAMFORD
SYDNEY
TOKYO
WASHINGTON DC


Date:	October 12, 2005	Must Be Sent By:	ASAP
To:	Examiner Mohammad A. Siddiqi	Fax No:	571 273-3976
Company:	U.S. Patent and Trademark Office	Phone No:	571 272-3976
From:	Mark R. Kendrick	Phone No:	213.488.7253
User No:	14238	C/M No:	81674-275039

Comments:

Dear Examiner Siddiqi:

Information for our conference call today at 4:15 or 4:30 p.m. PST.

Regards,


Mark

Mark Kendrick
Registration No. 48,468

12 12 31

Confidentiality Note:
The documents accompanying this facsimile transmission may contain confidential information which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, or the person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in this transmission is strictly PROHIBITED. If you have received this transmission in error, please immediately notify us by telephone and mail the original transmission to us. Thank you.

If you have not properly received this fax, please call (213) 488-7577. Thank you.

Operator: _____ Time Sent: _____ Batch ID: _____

Examiner Siddiqi,

Two claims for your consideration for our interview tomorrow at 4:15 - 4:30 P.S.T. I know that this claim would have to be labeled claim 77 because the previous claims were cancelled. I just wanted to show you that the original base claim was 41 and I included material from claim 44.

41. (currently amended) A method for dynamically managing software on a client, comprising:

sending, by a client to a management server, a request for service;

receiving, by the management server, the request for service;

querying, by the management server about the client, a management database including information about various clients, the management server being separate from the management database; [[and]]

sending, by the management server to the client, service information based at least in part on the querying;[[.]] and

booting to an operating system retrieved from a network, the retrieved operating system being configured to manage the client.

The cited O'Toole reference does not disclose, teach, or suggest the method of claim 41, as amended. First, you state that the limitation of "querying, by the management server about the client, a management database including information about various clients" is met by col. 12, lines 14 - 25, and column 6, lines 21 - 23. Specifically, the cited section of col. 12 of the O'Toole reference discloses that an appliance, (which is akin to claim 41's client), sends to the appliance registry (akin to claim 41's management database) a description of its network configuration based on configuration information retrieved from the boot server or based on what the appliance chose to use as its temporary networking configuration by observing the local network. In addition, the appliance also sends to the appliance registry an indication of whether it has successfully communicated with any boot server in the local network environment. (O'Toole, col. 12, lines 14 - 25). This is not the same as a management server querying a management database about a client, as is recited in amended claim 41. It is not the same because the O'Toole reference is disclosing only that the client provides information to a management database and never discloses that the management server (which is not disclosed in the O'Toole reference) makes a query about the client to management database (i.e., appliance registry). In other words, the O'Toole reference is disclosing loading the appliance registry (management database) with information and claim 41, as amended, recites that a management server queries information from a management database, retrieves the information from the management database and sends it to the client. Accordingly, claim 41, as amended, distinguishes over the O'Toole reference.

20565738v1

Claim 41 further distinguishes over the O'Toole reference. The limitation **"booting to an operating system retrieved from a network, the retrieved operating system being configured to manage the client"** is also not disclosed by the O'Toole reference. In the January 4, 2005 Office Action, you state that col. 6, lines 26 - 67 and col. 5, lines 55 - 65 of the O'Toole reference disclose this limitation. Col. 6, lines 26 - 67 discloses that an appliance can configure itself without having to send a system administrator to the location at which it is installed. After receiving the appliance, the SODA (appliance) is connected to a local-area network 14, and then runs a boot algorithm to configure itself. The goal of this algorithm is to learn enough about the IP environment into which the appliance is installed to obtain a connection to an appliance registry in order to download additional configuration information. (*O'Toole, col. 6, lines 26 - 45*). Col. 5, lines 55 - 65 of the O'Toole reference discloses only that the appliances can run the Linux operating system and that the appliance can subscribe to one or more content providers. This is not the same as **booting to an operating system retrieved from the network where the retrieved operating system is being configured to manage the client**, as is recited in claim 41, as amended. The O'Toole reference does not disclose that an operating system is loaded from the network so the O'Toole reference cannot meet this limitation. Accordingly, claim 41, as amended, further distinguishes over the O'Toole reference.

New claim 79 also distinguishes over the O'Toole reference. Examiner Siddiqi, please note that claim 79 also utilizes claim 41 as its base, but modifies limitations because no information is found in the databasc. This tracks Fig. 9, items 930, 940, 970, 975, and 980.

Claim 79 recites:

A method for dynamically managing software on a client, comprising:

sending, by a client to a management server, a request for service;

receiving, by the management server, the request for service;

querying, by the management server about the client, a management database including information about various clients, the management server being separate from the management database;

formulating a command to cause the client to boot to a network system if the management database does not include information about the client and the client does not boot locally by default.

For claim 79, the applicants do not believe that the O'Toole reference discloses the two above highlighted limitations. The O'Toole reference discloses how to load information into the appliance registry (i.e., management database) but does not discuss what to do if the appliance registry has no information about the appliance. In addition, the applicants do not believe that the O'Toole reference discloses the issuing of a command to boot to a network system if the appliance registry, (management database) does not include information about the appliance (client).

20565738v1

Examiner Siddiqi,

Additional Claim for Discussion

Originally filed claim 29

29. A method for obtaining service from a management server, comprising:

sending, by a client to a management agent on a same local area network (LAN) as the client, a request for service from a management server using a first protocol; and

receiving, by the client, service information forwarded by the management agent after the management agent has converted the service information from HTTP to the first protocol, wherein

the management agent forwarded the request for service to the management server via Hypertext Transfer Protocol (HTTP) converts the request for service to the Hypertext Transfer Protocol (HTTP) and forwards the request utilizing HTTP to the management server, and

the management server receives the request for service information utilizing HTTP and sent sends the service information to the management agent via HTTP.

The O'Toole reference does not disclose, teach, or suggest the method disclosed above. In your previous Office Action, you indicated that the registry is a process and acting as a management agent. If this were true, then the registry is not on the same local area network as the client, and thus cannot meet the limitation of "sending, by a client to a management agent on a same LAN as the client, a request for service from a management server, using a first protocol." In addition, as pointed out by you in col. 10, lines 58 - 62 of the O'Toole reference, you mention that the messages can be transmitted from the appliance to the registry by encoding a message in a URL and sending it as a HTTP request either directly to the registry or via a proxy server, where the proxy server is capable of handling such messages and forwarding them to the registry. However, this is not the same as a management agent converting the request for service it receives from the client to HTTP and then forwarding the service request utilizing HTTP, as is recited in claim 29, as amended. It is not the same because O'Toole is disclosing that the appliance (akin to the client) utilizes HTTP to transmit the request either directly to the registry or to a proxy server. The registry or proxy server is not disclosed to convert the message from one protocol to HTTP. The O'Toole reference never mentions that the appliance sends the request to a management agent via a first protocol and then the management agent converts the request to HTTP. Accordingly, claim 29, as amended, distinguishes over the O'Toole reference.